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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/696,077	10/28/2003	Lane W. Lee	M-15255 US	5959
33605 7590 08/20/2008 MACPHERSON KWOK CHEN & HEID LLP 2033 GATEWAY PLACE SUITE 400 SAN JOSE, CA 95110				
EXAMINER				
KIM, JUNG W				
ART UNIT		PAPER NUMBER		
2132				
MAIL DATE		DELIVERY MODE		
08/20/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/696,077

Applicant(s)

LEE ET AL.

Examiner

JUNG KIM

Art Unit

2132

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 May 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 14-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 23, 24 and 26-28 is/are allowed.
- 6) ☒ Claim(s) 14-22 is/are rejected.
- 7) ☒ Claim(s) 25 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

1. This Office action is in response to the amendment filed on 5/1/08.
2. Claims 14-28 are pending.

Response to Arguments

3. Applicant's arguments with respect to the prior art rejections of claims 14-28 have been fully considered and are persuasive. See Remarks, pgs. 8-10. The prior art rejections of these claims have been withdrawn. In particular, claims 14-28 define metadata for secure file system objects, which are stored in a storage device. Kitamura defines an access list that identifies user access to blocks of memory within the storage device, which is not metadata associated with secure file system objects. Hence, the prior art rejections for claims 14-28 are withdrawn. However, on further review, claims 14-22 are rejected under 35 USC 112, second paragraph, as being indefinite.

Claim Objections

4. Claim 25 is objected to under 37 CFR 1.75(c), as being of improper dependent form. Claim 25 claims only the block-level storage device of parent claim 24, whereas claim 24 also includes a host system and a storage medium. (See MPEP § 608.01 (n), "Infringement Test" for dependent claims. The test for a proper dependent claim is whether the dependent claim includes every limitation of the parent claim. The test is not whether the claims differ in scope. A proper dependent claim shall not conceivably be infringed by anything which would not also infringe the basic claim.)

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 14-22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

7. Claim 14 defines "a host system configured to request for file system objects stored by a storage device by identifying the block addresses containing a requested file system object and requesting the storage device to return the content stored at the identified block address, host system further configured to identify the file system object to the storage device if the requested file system object comprises secure content." As written, this limitation appears to suggest that if the requested file system object comprises secure content, then the host system is configured to identify the file system object to the storage device in addition to identify the block addresses containing the requested file system object and to request the storage device to return the content stored at the identified block addresses. However, applicant points to pg. 20, line 13- pg. 22, line 17 of the specification as the enabling portion for the claimed invention (see Remarks, pgs. 8-9), and there, the specification discloses issuing a command that corresponds to a set of security metadata that applies to a file system object when accessing the secure file system object rather than a command identifying the block addresses containing a requested file system object. ("In this second embodiment, a

SECURE_READ_FILE_SY[ST]EM_OBJECT command would be used that is analogous to the SECURE_READ_BLOCK command except that the SECURE_READ_FILE_SYSTEM_OBJECT command corresponds to a set of security metadata that applies to a file system object.”[Applicant identifies that in claim 14, the storage engine has knowledge of the security data (Remarks, pg. 8, second paragraph), which is the second embodiment as disclosed in the specification]]. Likewise, the limitation “the storage engine being configured to respond to block-level requests from the host system by retrieving the content stored at the requested block addresses from the storage medium, the storage engine being further configured to access the security metadata if the block-level requests correspond to content comprising a secure file system object” is indefinite for similar reasons.

8. Claims 15-22 do not remedy the indefiniteness of parent claim 14.

Allowable Subject Matter

9. Claims 23, 24 and 26-28 are allowed.

Communications Inquiry

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jung W. Kim whose telephone number is 571-272-3804. The examiner can normally be reached on M-F 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Jung Kim/
Primary Examiner, AU 2132